IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3982 of 1999

Between:

1. B.Ankaiah, S/o. Gangamma Naidu,

   Aged about 55 years.

2. B.Pramalamma, W/o.B.Ankaiah,

   Aged about 40 years.

   (Both are R/o.Balakrishnapuram.

   Satyaveedu Mandal Chittoor District.)

... PETITIONERS

AND

1. Mandal Revenue Officer,

   Satyaveedu Mandal,

   Satyaveedu,

   Chittoor District.

2. Mandal Revenue Inspector,

   Styaveedu, Sathyaveedu Mandal,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the 1st respondent in issuing the Auction notice ROC B.578 of 1999, dated 18-2-1999 is illegal, arbitrary, null and void and consequently direct the 1st respondent not to take coercive step without passing final orders to the Show Cause Notice, dated 19-6-1995 and communicating the same to the petitioners herein.

For the Petitioner:MR.A.SRINIVAS PRASAD, Advocate

For the Respondents : GP FOR REVENUE

The Court Made the Following :

ORDER:

The writ petition is filed seeking Writ of Mandamus to declare the action of the Mandal Revenue Officer, Satyavedu, Chittoor District- first respondent herein, in issuing the auction notice in proceedings No. ROC.B/578/1999, dated 18-12-1999, as illegal, arbitrary.

It is the case of petitioners that the respondents have initiated proceedings under the provisions of A.P. Prohibition and Alienation of Patta Lands, 1977 (For short 'the Act') and issued show cause notice dated 19-6-1995. The petitioners have submitted their explanation on 15-7-1995. Though final orders were passed, the respondents have issued main notice to conduct public auction for sale of mango yield in the land in question. When no final orders are passed, the respondents have no jurisdiction to auction the mango yield.

Counter-affidavit is filed on behalf of the respondents stating that the petitioners have purchased assigned lands, contrary to the provision under Section 3 (5) of the Act, 9 of 1977. It is further stated that as the said lands are in possession of the Government and in view of the mango yield, the respondents are notified crop auction through public auction.

In view of the counter-affidavit filed on behalf of the respondents, consequent to passing of final orders in proceedings initiated under the Act, 9 of 1977, the

possession was taken under a cover of panchanama on 25-11-1995.

In view of the matter, the only ground raised by the writ petitioner is that no auction can be conducted by the respondents without passing any final order. In view of the technical position of the Government, as the land was in the custody of the Village Administrative Officer, rightly the respondents have issued auction notice for sale of the mango yield existing there in. In that view of the matter, I do not find any illegality in the auction proceedings issued by the respondents.

Accordingly, the writ petition is devoid of merits and the same is dismissed. No costs.

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(R.SUBASH REDDY, J)

24th June, 2004.

Mrb

To

1. 2 CC to GP for Revenue, High Court of A.P.,
   Hyderabad.

2. Mandal Revenue Officer,
   Satyaveedu Mandal,
   Satyaveedu,
   Chittoor District.

3. Mandal Revenue Inspector,
   Styaveedu, Sathyaveedu Mandal,
   Chittoor District.

4. 2 CD Copies.